

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JOSEPH CLANCEY,

Plaintiff

v.

Civil Case No. 1:20-CV-_____

NICE SYSTEMS, INC.,

Defendant

NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 and 1446, Defendant NICE SYSTEMS, INC., by its attorneys, JACKSON LEWIS P.C., hereby removes this action from the Superior Court of the State of New Hampshire, Rockingham County, to the United States District Court for the District of New Hampshire.

In support of this Notice of Removal, Defendant states as follows:

1. By Complaint filed on or about April 28, 2020, Plaintiff instituted a claim against Defendant in the Rockingham County Superior Court. In accordance with 28 U.S.C. § 1446(a), true and correct copies of the Summons and Complaint are attached hereto as Exhibit 1 and 2, certified copies of which will be forwarded upon receipt of the state court record from the Rockingham County Superior Court.

2. Pursuant to 28 U.S.C. § 1446(a), this notice of removal is timely filed within thirty (30) days of April 28, 2020, the date on which counsel for Defendant first received the Complaint and Summons.

3. Defendant has not served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

4. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff is alleging violations of Title VII, as well as other claims pursuant to state law including retaliation and other statutory violations.

5. This Court also has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1441(a), and it may be removed to this Court because, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between the parties in that:

a. Plaintiff Joseph Clancey is now, and was when this action commenced, a resident of the State of New Hampshire.

b. NICE Systems, Inc. is a foreign for-profit corporation incorporated in Delaware and has a principal place of business in the State of New Jersey.

c. A reasonable reading of the Complaint establishes that the \$75,000 amount in controversy requirement under 28 U.S.C. §1332(a)(1) is satisfied. Clancey claims damages, including but not limited to, lost wages, emotional distress, attorneys' fees and costs and punitive damages.

6. Defendant submits this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

7. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

Respectfully Submitted,

NICE SYSTEMS, INC.,
By its attorneys,
JACKSON LEWIS P.C.,

Date: May 28, 2020

By: /s/ K. Joshua Scott
K. Joshua Scott, NH Bar #17479
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Certificate of Service

I hereby certify that copies of the foregoing were this day served on counsel for Plaintiff, Sean List, via the Court's ECF system.

Date: May 28, 2020

By: /s/K. Joshua Scott
K. Joshua Scott